



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL  
LITIGATION BUREAU

Writer's Direct Dial: (212) 416-6359

October 12, 2022

**BY ECF:**

The Honorable Cathy Seibel  
United States District Judge  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601-4150

Re: Todd v Colombos, SDNY 21 Civ. 5226 (CS)

Dear Judge Seibel:

This Office represents Officer Colombos ("Defendant") in the above-referenced matter. On July 12, 2022, Defendant served their Motion to Dismiss upon Plaintiff. As indicated in our filing on August 19, 2022 (ECF # 31), the undersigned sent Plaintiff a second courtesy copy of the Motion to Dismiss to Elmira Correctional Facility on August 18, 2022, to which Plaintiff was transferred on or around July 18, 2022 (ECF # 30). Pursuant to the Court's May 6, 2022 Order (ECF # 24), Plaintiff's opposition was due on August 12, 2022, while the Defendant's reply memorandum would be due on August 26, 2022. To date, this Office has not yet received opposition papers from Plaintiff, or any other responsive documents regarding the Defendant's motion. Moreover, a review of the Docket indicates Plaintiff also has not sought any extensions of his time to serve responsive papers. Therefore, it is respectfully requested that the Court deem the Defendant's motion fully briefed.

Respectfully submitted,

S/ Andrew Blancato  
Andrew Blancato  
Assistant Attorney General  
[Andrew.Blancato@ag.ny.gov](mailto:Andrew.Blancato@ag.ny.gov)

**Cc:** via Mail

Lavelle Todd

11-A-0846

Elmira Correctional Facility

P.O. Box 500

Elmira, NY 14902